

No. 12599

United States
Court of Appeals
for the Ninth Circuit.

JAMES MARTIN MacINNIS,

Appellant.

VS.

UNITED STATES OF AMERICA,

Appellee.

Transcript of Record

Appeal from the United States District Court,
Northern District of California,
Southern Division.

FILED

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PAUL P. O'BRIEN,
CLERK

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In the District Court of the United States for the
Northern District of California, Southern
Division.

No. 32117-H

In the Matter of

CONTEMPT OF COURT ON THE PART OF
JAMES MARTIN MacINNIS

ORDER ON CONTEMPT

On the first day of February, 1950, the defendant
appeared in person.

It is adjudged that the defendant is guilty of con-
tempt of court for misconduct during the judicial
proceeding in United States v. Harry Renton
Bridges, Henry Schmidt and J. R. Robertson, No.
32117-H, as specified in the accompanying certificate.

It is ordered that the defendant appear before
this Court for sentence upon the termination and
conclusion of the trial stages in United States v.
Harry Renton Bridges, Henry Schmidt, and J. R.
Robertson, No. 32117-H.

It is further ordered that the Clerk deliver a cer-
tified copy of this Order on Contempt and the ac-
companying Certificate to the United States Marshal
or other qualified officer.

Certified this 28th day of February, 1950, at San
Francisco, California.

/s/ GEORGE B. HARRIS,

United States District Judge.

[Endorsed]: Filed March 1, 1950.

[Title of District Court and Cause.]

CERTIFICATE IN CONFORMITY WITH
RULE 42(a) FEDERAL RULES OF CRIM-
INAL PROCEDURE

In conformity with Rule 42(a), Federal Rules of Criminal Procedure, I hereby certify that the conduct for which the defendant is punished for criminal contempt was committed in my presence and was seen and heard by me during a session of the United States District Court for the Northern District of California, Southern Division, under the following circumstances:

On the morning of Wednesday, February 1, 1950, following the examination by counsel for defendant and counsel for the Government, of the witness, Father Paul Meinecke, the Court had occasion to interrogate the witness. After propounding several questions, the Court asked a proper and pertinent question, directed toward the physical well-being of the witness, to wit:

Q. Have you been recently subjected to medical treatment, Father?

(Tr. p. 4794, lines 20-21.)

Following such question, Mr. MacInnis jumped to his feet, participated in a critical remonstrance of the Court, at the conclusion of which he stated to the Court in a belligerent manner in the presence of the jury, to wit:

Mr. MacInnis: I think you should cite yourself for misconduct.

The Court: Ladies and gentlemen——

Mr. MacInnis: I have never heard anything like that. You ought to be ashamed of yourself.

(Tr. p. 4796, lines 2-6.)

The entire record of the testimony of Father Paul Meinecke, designated Exhibit A, is attached hereto, and is made a part of this Certificate.

Certified this 28th day of February, 1950, at San Francisco, California.

/s/ GEORGE B. HARRIS,
United States District Judge.

Exhibit A

February 1, 1950—10:00 a.m.

The Clerk: The United States of America v. Harry Renton Bridges, Henry Schmidt and J. R. Robertson, on trial.

Mr. MacInnis: May we interrupt with another witness, your Honor?

The Court: Yes.

Mr. MacInnis: Will the bailiff please call Father Paul Meinecke.

FATHER PAUL MEINECKE

called for the Defendants; sworn.

The Clerk: Will you state your name to the Court and Jury.

The Witness: My name is Father Paul Meinecke.

(Testimony of Father Paul Meinecke.)

The Clerk: Will you spell the last name.

The Witness: M-e-i-n-e-c-k-e.

Direct Examination

By Mr. MacInnis:

Q. Father Meinecke, you are a duly ordained priest in the Roman Catholic Church?

A. That is correct.

Q. And you have been a priest and duly ordained and acting as such for about how many years?

A. Almost twenty years a priest.

Q. Where are you stationed now, Father Meinecke?

A. I have my own parish in Eureka [4765*] Nevada.

Q. And who is your superior?

A. His Excellency Bishop Thomas K. Gorman, Bishop of Reno.

Q. His office and his cathedral is in Reno, Nevada, is that correct? A. That is correct.

Q. Previous to the last few years were you in San Francisco.

A. I was stationed here as an assistant in a parish for about ten years.

Q. What parish was that, Father Meinecke?

A. That was St. Boniface Church, right here in the neighborhood.

Q. And what were the ten years approximately in which you served as assistant in St. Boniface Church?

* Page numbering stamped at top of page of original Reporter's Transcript.

(Testimony of Father Paul Meinecke.)

A. I would say about from 1936-37 to the following ten years.

Q. Now, while you were at St. Boniface Church you were known as Father Paul in the monastery at St. Boniface, is that correct.

A. That is correct. In a religious order it is more or less the custom that you are addressed by your first name rather than your last name.

Q. And as I understand it, after that time you received a papal dispensation to be transferred to do missionary work in Nevada?

A. That is right, with the full approval of my superiors.

Q. And what is the nature of the missionary work in which you are now engaged in addition to your duties as the head of a [4766] parish?

A. Well, like I told you before, I have my own parish there in Eureka, but there are not too many priests in Nevada. We are called on to do a lot of extra work, and I not only take care of Eureka, I take care of Austin, that is about 70 miles east of the town of Eureka and the next town. I also take care of the parish of McGill, Ruth, Caliente and Pioche, a distance of about 500 miles.

Q. Those towns are denominated as missions in the course of your work, is that correct?

A. Not exactly. They are real parishes. If there were enough priests working in Nevada we would have an ordained pastor in every one of those parishes.

(Testimony of Father Paul Meinecke.)

Q. But what I mean is, you travel from one place to another?

A. That is right. I cover all my parishes at least once a month.

Q. While you were in San Francisco, Father Meinecke, did you at any time become interested in the labor movement in San Francisco?

A. Yes, I was very much interested in it, as many other priests are, too.

Q. Did you have anything to do with the forming of the association of Catholic Trade Unions in San Francisco?

A. Well, Mr. MacInnis, some people forget things, but it has always been one of my very happy memories that I conceived the [4767] idea of organizing that association and bringing it here to San Francisco, that is, the Association of Catholic Trade Unionists, which I believe is still in existence.

Q. What was the purpose of that organization, Father Meinecke?

Mr. Donohue: Excuse me, Father. I am afraid I must object, if your Honor please. I assume that the witness was brought here as a character witness, and while interesting, this matter is not pertinent.

Mr. MacInnis: This is preliminary, your Honor, merely to show his relationship to one of the defendants.

The Court: I will overrule the objection.

Q. (By Mr. MacInnis): What was the purpose, Father Meinecke, of the Association of Catholic Trade Unionists?

(Testimony of Father Paul Meinecke.)

A. Oh, it is an instrument to—by which you can train and teach union people their duties and obligations toward the union, make them better acquainted with the principles of trade unionism. It isn't an organization that is opposed or separate from a trade union; it is a supplement; it is a place where we give them training, and it has its source in the Catholic Church. It was organized specifically at the wishes of Holy Father Pope Pius XI, who wanted such an organization.

Q. Now, Father Meinecke, in the course of your activities in connection with the labor movement, did you come to meet a man named Harry Bridges?

A. I did. Among many other labor leaders, I met Harry Bridges. [4768]

Q. When approximately did you first meet Harry Bridges?

A. Well, I couldn't say definitely. I couldn't give you the day or the hour or the place, but I would say that we were fairly good friends by about 1937-1938.

Q. What were the circumstances, if you can remember of your early meeting with him?

A. Well, due to my work, I had to make it my business to get to know those people, especially to know the leaders in the unions. And as I said before, I couldn't put my finger on the precise day, but I say by about '38 we were fairly good friends, because I was trying to rehearse my memory just when I met the gentlemen. But the earliest outstanding thing in my memory is I can remember Mr.

(Testimony of Father Paul Meinecke.)

Bridges coming over to our church one day and asking me if I could recommend a Catholic school for his daughter, and I believe that is the first time that I met his daughter. And if my memory doesn't fail me, I believe that I approached the authorities of St. Brigid's school here in San Francisco, and his daughter was placed there to his satisfaction. But I know that definitely at that time we were good friends, because he looked me up specifically for that purpose. [4769]

Q. In other words, from time to time Mr. Bridges visited you and I suppose you visited him, is that correct?

A. That is correct, and we met as a group.

Q. When you say, "We met as a group," do you have reference to any particular persons?

A. Other members of the trade union movement, people—even priests like myself who realize that is part of our work, something we should be interested in.

Q. Mr. Bridges, I take it, consulted you upon religious problems as well as upon problems connected only with the labor movement, is that correct?

A. That is correct. That is correct because he was a Catholic, although he was not a member of our parish, and certainly those things came up.

Q. Did your acquaintanceship or friendship with Harry Bridges remain constant during all of the years that you were here in San Francisco?

A. That is right.

(Testimony of Father Paul Meinecke.)

Q. Did you from time to time discuss Harry Bridges with other persons in this community and did you hear his name mentioned by other persons?

A. He was a very frequent topic of conversation.

Q. When I suggest that he may have been a topic of conversation, I have reference to his reputation in this community for truth, honesty and integrity. Did you hear those qualities discussed [4770] by people in this community?

A. Well, not directly as you put it, but we all were aware of the gossip and all the rumors and, if you wish, newspaper talk about him, unfavorable opinions that people had of him, and so we who knew him thoroughly could not help but express our own opinions about those things.

Q. Father Meinecke, based upon your own acquaintanceship with Harry Bridges and based also upon such words or utterances of other people which have come to your ears, are you in a position to tell us what the reputation of Harry Bridges is for truth, honesty and integrity?

A. I give you my personal opinion. I would say it is of the best. In all of his associations with me personally as a priest, he not only was truthful, honest and an upright man, he was more.

Q. Thank you very much.

A. As a priest—I beg your pardon—as a priest, you know, I do not say that I am as smart as most people, but you should give each priest a little credit for shrewdness, a little judgment of character, and

(Testimony of Father Paul Meinecke.)

you know that I would not associate myself publicly and be known here in the city by many thousands of people as a very good friend of Harry Bridges if I had the slightest doubt about his character. See?

Mr. MacInnis: Thank you. [4771]

Cross-Examination

By Mr. Donohue:

Q. Did I understand you to say, Father, that Mr. Bridges is a Catholic or was a Catholic?

A. Is a Catholic.

Q. Do you know as a matter of fact that Mr. Bridges has married a second time with a first wife surviving?

A. Many Catholics do that.

Q. Do you know whether Mr. Bridges was married by a Catholic priest and in the Catholic church?

A. I am not aware that he was, but I can tell you that if the circumstances are as you say his second marriage could not have been performed by a priest unless the first one was investigated by his bishop and declared to be invalid. Then he may marry again and a priest may perform the ceremony.

Q. If he were not married a second time by a priest, would you say that he was still a Roman Catholic?

A. That is one thing that you cannot erase.

Q. What is the one thing you cannot erase?

A. When a man is baptized a Catholic, he is a Catholic forever, whether he works at it, whether

(Testimony of Father Paul Meinecke.)

he is faithful to his religious obligations constantly, or if he drops them for a while. If he wants to come back, he does not have to be baptized a Catholic again. He is always a Catholic, and while there is life there is hope.

Q. Do you know of your own knowledge whether Harry Bridges is [4772] what you understand by the term a practicing Catholic?

A. No, I would not consider Harry Bridges a practical Catholic.

Q. During the time that you knew Harry Bridges did you know him to attend regularly the obligations of the Catholic church, to attend mass on Sundays and holy days of obligation?

A. Mr. Donohue, that was part of my business, and our association to work towards that end.

Q. Did he answer just as I do towards many people who are not as practical as they ought to be? Did Mr. Bridges?

A. He did not belong to our parish. Neither did he live in our neighborhood. Therefore I could not give you—I wouldn't know.

Q. In your close personal friendship for Harry Bridges over a good many years and in the very numerous instances when you discussed, as you said to Mr. MacInnis, religious matters with him, did you discuss with him the salvation of his own soul?

A. As I said before, that was a big piece of our association and that subject came up many times.

Q. Are you not in a position to tell us whether or not during the years that you knew Harry

(Testimony of Father Paul Meinecke.)

Bridges he was a practicing Catholic and participating in the sacraments of the Catholic church?

A. My talks with him were not as successful as I wish they might have been, but I said before, while there is life there is [4773] hope.

Q. Isn't it a fact, Father, what you are saying is Harry Bridges was a Catholic, and there is still hope that he might again become a Catholic?

A. He can't become a Catholic again. He could become a practical Catholic but he is a Catholic. I know that he comes from a Catholic family.

Q. Isn't that the reason for your stating that he is a Catholic because he came from a Catholic family?

A. Would you rephrase that, please?

Q. Isn't that the reason that you now state that Harry Bridges is a Catholic because you know he came from a Catholic family?

A. No, I know he is a Catholic on his own. Whether his mother and father were or were not would have no bearing on it. My own father and mother are not Catholics, but I am.

Q. You also know he is not a practical Catholic, do you not, Father.

A. I know that.

Q. In the organization of the Catholic Trade union movement, did you come in contact at all or have any experience with the fact that the trade union movement in this area as well as in other areas had been infiltrated by the Communist Party?

A. All the more reason for us to get interested in it.

(Testimony of Father Paul Meinecke.)

Q. Would you answer the question, Father: Did you find that to be a fact. [4774]

A. Just like in any other organization like a trade union, you will find all sorts of people.

Q. Would you still answer the question, Father: Did you find any infiltration by the Communist Party in the trade union movement in this area?

A. Yes.

Q. And as a priest of the Catholic church, did that cause you any concern.

A. It certainly did. It made me more interested in the trade union movement and aware of our obligations to get to help those people.

Q. Help what people?

A. People who were in the unions, show them that we priests have an interest in their problems.

Q. Did you ever discuss with Harry Bridges the question of the infiltration of the Communist Party into the trade union movement.

A. Not that I specifically remember. It may have come up, but it slips my memory now as a subject of conversation.

Q. Among the many rumors and bits of gossip that you stated you'd heard about Harry Bridges, were any of those bits of information with respect to the question as to whether or not Harry Bridges was a member of the Communist Party?

A. Look, Mr. Donohue——

Q. Could you answer the question, Father?

A. I made it my business to investigate that very thing.

(Testimony of Father Paul Meinecke.)

Q. Tell us the result of your investigation, Father.

A. I will. Over the period of years I knew the man and I discussed many, many things with him over periods of hours, I made it my business as a priest to find out what kind of ideas were in his head, what sort of philosophy he was dominated by, his own principles. And give me credit enough for being enough of a judge of human character and human nature that I could plant discussions on him. I could put in questions so that even though he did not give me a direct answer, I could read between the lines.

Now, this is not once. This is over a period of years, because I was aware of all the rumors about the man and the gossip. People would ask me, they would say, "Father you know Harry Bridges. What do you think?"

And I will tell you what I always told them: "I know the man. I know his ideas. There is a great distinction, although some people are not aware of it, between militant trade unionism and Communism. There is a great difference." And I would say that Harry Bridges is, was during those years that I knew him, a militant trade unionist and a great leader, because when he comes up for election in his union, he could get dumped but they always revoted him in. He got reelected.

But going back to that question——

Q. Will you answer it? [4776]

(Testimony of Father Paul Meinecke.)

A. I know it is important, but from all my conversation with him, all the times we discussed the subject, I always went home with the idea, "They are all wrong. Harry is no Communist. Harry is not a radical. He is a militant trade unionist, but he is not a Communist." I can recognize Communism.

Q. Can you tell a Communist when you see him, Father?

A. I certainly—not by seeing him, no, but give me the man and let me talk with him, not for an hour, but over a long period of time, to meet him again under different circumstances, and I can point out a Communist to you. It is ideas in their head which will come out in their conversation and if he were a Communist——

Q. Father——

A. I beg your pardon—if he were a Communist, he would have slipped at least once or twice and said something that would convince me the man is a Communist. But he never slipped. He never defended the thing. He never gave out with any ideas that would lead me to believe that he is a Communist. And I tell you that very sincerely.

Mr. Donohue, as a Catholic priest, if I had the slightest notion that Harry Bridges was a Communist, I would not be here. If I had any suspicion whatsoever that he was, I would not be sitting here as his friend.

Q. Now, will you answer my question?

A. Will you rephrase it? Pardon me for being so windy. [4777]

(Testimony of Father Paul Meinecke.)

Q. I asked you, Father, whether or not among the items of gossip and rumor which you stated to Mr. MacInnis came to your attention about Harry Bridges, was there any part of that concerned with the fact that he was a member of the Communist Party?

Mr. MacInnis: That is a different question altogether, your Honor.

The Witness: That is rather involved.

Q. (By Mr. Donohue): Let me put it a little simpler to you, Father: Did you ever hear anyone say that Harry Bridges was a Communist?

A. Loads of people say that, victims of gossip, people who repeat things they do not know about, and they just repeat and repeat. Surely, I have heard people say that Harry Bridges was a Communist.

Q. And you say loads of that character?

A. Yes, lots of people said that.

Q. How many people have you heard say he was a man of honesty, veracity and integrity?

A. You do not say that thing about a person.

Q. Let me ask you, did you ever hear anyone say he was a man of honesty, veracity and integrity?

A. That is not fair.

Q. Will you answer the question, Father?

A. You are involving me in something that can be twisted against [4778] a man, something I do not intend to do.

Q. Do you understand, Father, that you are here to testify not as to your personal opinion as to Harry Bridges but as to his reputation in the com-

(Testimony of Father Paul Meinecke.)

munity for truth, veracity, honesty and integrity?

A. By the very fact, Mr. Donohue, that no one among the people who knew him impugned his veracity or spoke against his uprightness, then I will answer your question and say, certainly, people said good things about him on that score. By the fact that they did not attack those qualities in his character, they did not impugn him.

Q. I ask you again the direct question, Father: Did you ever hear anyone say in your presence that Harry Bridges was a man of honesty, integrity, truth and veracity?

A. As you put it, like the lines out of a play, of course not. Who is going out of his way to make a statement like that? My bishop has probably never heard anyone say those things about me just that way.

Q. Then it is a fact, Father, you never heard anyone say that Harry Bridges was a man of truth, honesty, veracity and integrity, correct?

A. In those very words I have to say yes, but that is not a fair question. No one said that about me either. Those qualities are assumed until someone attacks them.

Q. And your testimony is based upon that assumption except for [4779] your own personal experience?

A. Maybe I am dumb. Will you do that over again, please?

Q. Is your testimony based upon that assump-

(Testimony of Father Paul Meinecke.)

tion of negative testimony except for your personal experience with the defendant Harry Bridges?

A. No, there is lots of positive in it, too.

Q. Would you tell us the positive that you heard from some other person other than yourself?

A. You are asking me to remember conversations that go back five, ten, fifteen years. What man can do that?

Q. I am only asking you, Father, if you are able to tell me if any person or persons ever discussed with you the reputation of Harry Bridges and said he was a man of truth, honesty, veracity and integrity?

A. If you boil those three things down, those three qualities, boil them down to one element, then I would say that we who knew him always came to the conclusion that he had those qualities.

Q. Father, are you naive enough to believe that a member of the Communist Party would tell you that he was a member of the Communist Party?

A. Some did. I knew Communists who boasted about it.

Q. Are you naive enough to believe that Harry Bridges, who has denied his association and membership in the Communist Party on every possible occasion, would tell you if he were a member of the Communist Party? [4780]

A. If he told me he were not and yet he were a Communist, out of all of our associations I would have found out about it. And you would say, "Why?" By reading between the lines.

(Testimony of Father Paul Meinecke.)

Q. Father, you are a priest and not a psychiatrist, are you not?

A. Every priest is a fairly good psychiatrist.

Mr. Donohue: If your Honor please, at this time I move to strike the testimony of the witness on the ground that he has testified only as to his personal opinion of the defendant Harry Bridges, which negatives the possibility that his testimony may stand as to the reputation of the defendant Harry Bridges because, despite what may be the rule in *People v. Adams*, which I think Mr. MacInnis cited one day——

The Court: 1902.

Mr. Donohue: ——the rule in the Federal Court is well established that a general reputation for good character is a factor which a jury is entitled to consider among other bits of evidence in arriving at a determination of the guilt or innocence of an accused—a general reputation for good character. A man's character, as I understand all of the decisions, is what in fact he is. His reputation is the estimation of that man's character in the community in which he lives or works.

I most respectfully therefore, say to your Honor that this witness has voiced nothing other than a personal opinion and has in fact negatived by his own testimony any possibility that the opinion which he is citing here in a statement of the reputation of Mr. Bridges, but is positive in that it is his own personal opinion. And for that reason I most respectfully urge your Honor to strike his testimony from

(Testimony of Father Paul Meinecke.)

the record. And if there be any doubt as to the accuracy of my statement, I shall be glad to submit a memorandum to your Honor. [4781]

Mr. MacInnis: Now, the only striking thing about the remarks of the special prosecutor is that they are not so, because this witness, prodded by the special prosecutor, said that he had not only negative evidence of the character of Harry Bridges but positive evidence. He said that the precise words "truth, honesty and integrity" were not used in that stilted language, but many people who discussed the matter with him came to the same conclusion as himself. And that is the only test that the law imposes, that the opinion given by a witness be a composite of his own knowledge and acquaintance with the person involved plus such discussions as may have come to his ears from members of the community in which he lived. Now, he said that, your Honor; he has said it three or four times, and because he has expressed a personal opinion due to the cross-examination, his testimony becomes stronger, not weaker, for that reason, and there is no possible ground upon which this testimony should be stricken.

I will invite your Honor to ask the witness if the answer he gives is not a composite of his own knowledge of the man plus what other people in the community have said.

The Court: Mr. MacInnis, you are counsel for several of the defendants. You may ask him that if you are so advised.

(Testimony of Father Paul Meinecke.)

Mr. MacInnis: Yes.

The Court: It is not the province of a court to examine the witness. You ask the questions, [4782] if you like.

Mr. MacInnis: Yes I will be glad to do that.

Q. Father Meinecke, tell us if it is not a fact that the opinion that you give concerning the good reputation of Harry Bridges for the qualities of truth, honesty and integrity is based upon two things: First, your own knowledge and acquaintanceship with him, and, secondly, such things as you have heard said by other persons in this community.

Mr. Donohue: I object to the question, if your Honor pleases.

A. You are absolutely correct.

Mr. Donohue: Just a minute, Father. I object to the question, if your Honor please, because the law is certain that it is not the individual's opinion which is admissible before a jury as a matter of reputation; it is the general reputation in the community of the particular defendant for the particular virtue which Mr. MacInnis ascribed.

The Court: The so-called trait involved. That is a correct statement of the general principle, no question about it.

Mr. MacInnis: That is right.

The Witness: May I say this: What you gentlemen were arguing about, my personal opinion——

Mr. Paisley: No volunteer statements.

The Witness: It is largely dictated by—what do you call that other thing?—public opinion or the

(Testimony of Father Paul Meinecke.)

opinion of others, their estimation of the man. These people who knew him maybe [4783] better than I did dictated largely my own opinion, and my own experience confirmed that opinion. I did not learn this thing as though I were living in a little watertight compartment. I dealt with other people whose ideas about Harry Bridges I listened to, people who knew him, people whose opinion I could trust, people whom I knew knew what they were talking about. To name names,— of course, I do not wish to involve others, but I remember on many occasions, he was then Senator John Francis Shelley; he was a very good friend of ours. I knew that he knew Bridges and he was a very good friend of mine. Those people always did some wonderful things for me. I never forget what they did for me back in 1940 when I needed a friend.

Q. (By Mr. MacInnis): What was 1940?

A. But these people——

The Court: Mr. MacInnis asked you a question.

Mr. MacInnis: What was 1940, Father?

A. Now, I suppose that is a personal thing. 1940——

Mr. Donohue: Just a minute, please, Father. I think, if your Honor please, that a question should be asked of the witness to develop the only fact or factor which is admissible as a matter of law, and that the good Father should not be permitted to make generous voluntary statements which are not admissible as a matter of law.

(Testimony of Father Paul Meinecke.)

Mr. MacInnis: Judge, I didn't invite the cross-examination. [4784]

Mr. Donohue: This is a court of law and not——

Mr. MacInnis: The special prosecutor may not quell the statements of a witness because he is displeased with them. And he chose to cross-examine the witness and open various avenues——

The Court: Mr. MacInnis, proceed with the question, if you have one.

Q. (By Mr. MacInnis): You said that persons such as Mr. Shelley and Mr. Bridges performed some service for you in 1940. What was that?

Mr. Donohue: I object, if your Honor please. What difference does it make what the service was?

The Court: Is this a matter of personal concern, Father?

The Witness: No, it shows——

The Court: Would you answer the question.

The Witness (continuing): ——the attitude of those men towards me.

The Court: It was a matter of personal concern to you, was it not? Whatever services were performed were of a personal nature?

The Witness: Involving all the members of their unions, yes.

Mr. MacInnis: I think it would be a proper subject, your Honor.

The Court: I will sustain the objection. [4785]

Q. (By Mr. MacInnis): Now, Father Meinecke, the special prosecutor chose to ask you some ques-

(Testimony of Father Paul Meinecke.)

tions about the personal life of Harry Bridges, the fact that he has remarried. Let me ask you this: Has he consulted you as to any steps which he might take in order to validate his second marriage in the eyes of the Catholic Church?

A. Years ago when I was an assistant here as a priest here in San Francisco he did approach me on that very subject.

Q. Now, as a Catholic priest engaged in the work which you have followed, as you say, for twenty years, you are not a friend of Communism, I take it?

A. By no means.

Q. The special prosecutor asked you if you had found any infiltration of Communists into unions in San Francisco, and I take it from your answer that you actually conducted an investigation to that end, is that correct?

A. I made it my business to be well aware of that situation, and how many there were and what they were doing, and who they are and their tactics and their program. I made it my business to know all those things. As many another has expressed this, we want to know what the opposition is doing, so we try to be alert on the subject so that we do not go off half cocked and make gratuitous statements about Communism. We tried to get the facts.

Q. Let me ask you this: If you were not convinced from all of [4786] the bases which you have outlined that Harry Bridges was not and could not have been a Communist, would you have given the

(Testimony of Father Paul Meinecke.)

testimony that you have offered to the Court and jury?

Mr. Donohue: Just a minute. Just a minute. I object to the question. It doesn't make any difference whether he is convinced or not convinced.

The Court: The witness has already testified on that subject.

Mr. MacInnis: Thank you very much.

Q. (By Mr. Donohue): Father, are there trade unions up in Eureka, Nevada, where you are now stationed?

A. Unfortunately, the present policy of Washington is that no mining is to be done in the Western United States. Our mines are closed. There are no jobs. My poor little parishes are suffering. So where there are no mines operating, there are no workers, there are no unions.

Q. I was wondering whether there was any reason, after your ten years' experience with the trade union movement, for your being assigned to an area in which there is no trade union movement at all.

A. A very interesting question. No connection whatsoever, and I forgive you for the slur.

Q. I didn't ask for forgiveness, and I meant no slur. I asked you a question. You understand that this is a court of law. [4787]

A. Yes, sir. My superiors alway gave me loyal backing and approval and urged me to take an interest in the trade union movement and in the problems and knowing these people and being help-

(Testimony of Father Paul Meinecke.)

ful to them. My superiors approved of that fully and gave me full encouragement.

Q. And it was your superiors who moved you to Eureka, Nevada?

A. No, I requested it. The records show that.

Q. Father, did you ever hear in the years that you knew Harry Bridges, Harry Bridges ever make a public utterance in opposition to the Communist Party?

A. That, like your other question——

Q. Did you or did you not, Father?

A. You see, I say “No,” then you draw a conclusion from that. There was no occasion for it.

Q. Father, you are not a lawyer as well as a psychiatrist, are you? Are you, Father?

Mr. MacInnis: I would suggest, your Honor that——

A. No.

Q. (By Mr. Donohue): At the present time?

A. No, Mr. Donohue.

Mr. MacInnis: If you won't do anything, I will. I won't stand for questions like that.

The Court: Mr. MacInnis, there is no impropriety——

Mr. MacInnis: If you won't interfere here——

The Court: Mr. MacInnis, there is no impropriety in the [4788] question addressed to Father Meinecke by Mr. Donohue. Very many priests have graduated from law, distinguished themselves as lawyers. I have in mind Father Raymond Feeley.

Mr. MacInnis: I know of him.

(Testimony of Father Paul Meinecke.)

The Court: A distinguished priest.

Mr. MacInnis: He is the only one I have ever heard of.

The Court: I have in mind others. But it may well be that Father Meinecke pursued a professional career before he espoused the priesthood. That applies to likewise Christian Brothers and the priests.

Mr. MacInnis: I don't think that you think that, Judge.

The Court: It is perfectly proper.

Mr. MacInnis: I don't think that the prosecutor meant it in that light.

The Court: How the prosecutor meant it is probably for the jury and probably for the Court. Whatever inference you may draw, of course you may draw. The question was perfectly proper.

Mr. Donohue, proceed.

Mr. MacInnis: I suggest the prosecutor meant to draw an entirely improper inference from the question.

The Court: That may be your opinion. You are entitled to harbor it.

Q. (By Mr. Donohue): Would you answer the question, Father, as to whether or not during the many years that you knew and [4789] were a close friend of Harry Bridges you ever heard him publicly utter a single word of criticism against the Communist Party?

A. I didn't hear it with my own ears, but I remember one day when—probably a public fact; if the Court will pardon me I will quote the statement.

(Testimony of Father Paul Meinecke.)

May I be forgiven for quoting it directly? I remember being told, "See, see, Harry Bridges is not a Communist."

I said, "What convinced you?"

He said, "Because he told"—I don't know who the name was at the time; he was the head of the Communist Party around in these parts—he said, "Harry Bridges told him to go to hell." And among ourselves we know you can't do that in a disciplined organization of the Communist Party.

Q. Now in the many years that you knew Harry Bridges, Father, you were pretty close to him?

A. Right.

Q. You followed his public carrer, right?

A. Right.

Q. Is that the only incident that you can tell us in which Harry Bridges in the countless thousands of public speeches and public utterances, has ever uttered a single word critical of the Communist Party?

A. Because in his speeches at unions that I attended where I listened to him, he was being positive; he had his mind on [4790] his business; he was not taking in extraneous subjects; he was talking about the business at issue,—the cause of the strike or the problem before the men.

Q. In his countless thousands of public utterances over the years you have known him, Father, did you ever hear him utter a single word critical of the Soviet Government?

(Testimony of Father Paul Meinecke.)

A. If I had more time to refresh my memory I might be able to dig up some. Tonight I will probably think of five answers to that question, but right now nothing is fresh in my memory.

Q. In your attempt to eradicate Communism from the trade union movement in this area, if you made such an attempt, what part did Harry Bridges play in the effort?

A. He always gave me his good will. If he were for it, he would have discouraged me, he would have thrown cold water on my efforts.

Q. Did you ever hear him make a speech in your behalf before a labor union or before the public of this area in which he urged his audience to eliminate Communists from the union?

A. They were not as great a problem as some people think in those days. The fact that we knew who they were and how they operated—men like Mr. Bridges could nullify their efforts.

Q. Did you ever hear Mr. Bridges make a statement to his union urging his union to expel the Communists from his union?

A. I don't think that is possible. If you knew how unions operate, you would know that is not possible. If you were an [4791] employer and had 15 people working for you in a shop and his agent came in and organized them, got them into a union, say you had two Communists working for you among those 15 workers. They are blanketed into the union. The blame is upon the employer for hiring two Communists. What is the union going to do?

(Testimony of Father Paul Meinecke.)

It wants to make union people there out of your place who are hiring the Communists.

Q. Father, it may be a difficult task, but it isn't impossible——

A. What would you do as an employer?

Q. Each will share his part of the blame.

A. What would you do as an employer?

Mr. Donohue: I have no further questions of the witness.

Mr. MacInnis: Thank you very much. Shall we take the recess?

The Court: One question, Father Meinecke.

Q. Did you receive a subpoena to attend this court?

A. That is the reason I am here, your Honor. A subpoena was served on me over in Eureka, Nevada, and I consulted with people who are my superiors what I should do about it, and they told me, "Obey."

Q. Did you arrive here today, Father, this morning.

A. I came in yesterday.

Q. Have you had any discussions before taking your place on the witness stand with any persons?

A. Yes, I spoke to Mr. MacInnis. [4792]

Q. At his office?

A. Not at his office; at his home.

Q. At his home. When did you meet at his home, Father?

A. Last evening.

Q. Did you have dinner there at his home?

A. That is correct, your Excellency — your Honor——

(Testimony of Father Paul Meinecke.)

The Court: Thank you very much.

The Witness: I thought you were my Bishop.

The Court: You are rather complimentary. After you spent the evening there and enjoyed the social activities, then you had a discussion concerning the testimony that might be given in this case?

A. That is right. I asked that my memory be refreshed; I very rarely see a newspaper.

Q. May I ask you, Father, to what extent did you ask Mr. MacInnis to refresh your memory or recollection?

A. To tell me how the case has been going up to the present time——

Q. He no doubt told you the case was going all right for the defendants, did he?

Mr. MacInnis: I thank your Honor for his thoughtfulness.

The Witness: His general tone was optimistic.

The Court: Just a moment.

The Witness: His general tone was optimistic.

The Court: Now, to what other extent did your memory [4793] become refreshed by your conversation with Mr. MacInnis?

A. I was trying—I know that questions would be asked me and I wanted to try to be direct and factual and to the point and not hedge. So the first thing we had to agree on was what year I first got to know Harry Bridges, and then——

Q. Do you have difficulty, Father, with your memory or recollection under ordinary conditions?

A. In Nevada there are no clocks and no calen-

(Testimony of Father Paul Meinecke.)

dars. We don't know one day from another, and it is easy for one to become careless about pegging dates, although I wasn't that way when I was here in San Francisco.

Q. In San Francisco, Father, you were perfectly conversant and well oriented, weren't you, with respect to dates and the like?

A. That's right.

Q. Since you went to Nevada your orientation has become poor, has it?

A. No; the years have sort of run together. I say a couple of years ago, and then I remember back, it was 15 years ago.

Q. Have you been recently subjected to medical treatment, Father?

Mr. Hallinan: If the Court please, I am going to object to these questions.

Mr. MacInnis: Let me in.

Mr. Hallinan: I want to enter a legal objection. Your [4794] Honor has seen the Manning Johnsons, the Crouches, the Rosses and everybody get on that stand and we asked whether they were insane or not. I object to your Honor's question. I object to that last question and assign that as misconduct, and I ask that the jury be instructed to ignore the implication of the question.

The Court: There is no occasion for any admonition to the jury. Mr. MacInnis invited it.

Mr. MacInnis: I never heard of such a question.

The Court: Mr. MacInnis invited me to ask the question.

(Testimony of Father Paul Meinecke.)

Mr. MacInnis: Your Honor refused to do that and I asked a question.

The Court: I have the greatest respect for men of the cloth, as we all have.

Mr. MacInnis: You are demonstrating it.

The Court: There is no impropriety in my questioning.

Mr. MacInnis: I say there is.

The Court: He asserted his present memory is not good. I asked him whether or not his recollection was good while he was here years ago. He said yes, it was good years ago. I don't see any reason for the criticism.

Mr. MacInnis: When one of the prosecution witnesses was on the stand we asked him if he had received medical treatment, and now you ask a priest who comes here and gives testimony the same question. [4795]

The Court: Ladies and gentlemen——

Mr. MacInnis: I think you should cite yourself for misconduct.

The Court: Ladies and gentlemen——

Mr. MacInnis: I have never heard anything like that. You ought to be ashamed of yourself.

Mr. Donohue: If your Honor please, could I ask your Honor to recess at this time and ask the Father to remain until after the recess period?

The Court: Ladies and gentlemen of the jury, I say to you at this stage of the case that the questions that I asked were asked in perfect propriety. Any question I addressed to the priest was born as

(Testimony of Father Paul Meinecke.)

a result of the examination conducted on direct and cross-examination. Mr. MacInnis invited me to query the priest. At that juncture I refrained from interrogating him.

I say to you that the respect I have for the priest or any priest or any man of the cloth, be he Catholic, Protestant or any other faith or denomination, is not to be reflected upon by anything I asked this man. A witness coming into a court of law, ladies and gentlemen, subjects himself or herself to cross-examination, and when a person responds to direct questions, that person in the course of events is to be and should be subjected to cross-examination. I believe that the questions presented by Mr. Donohue to this priest were dignified [4796] and proper. I think that the questions I asked the priest were dignified and proper.

Now we will take a recess.

Mr. Hallinan: May I make a motion before you do? I move for a mistrial upon the misconduct of the Court in the type of questions addressed to this priest as tending to reflect—the jury could arrive at some conclusion that it was a reflection upon the credibility of Father Paul.

The Court: The motion——

Mr. Hallinan: And we move for a mistrial upon the ground that your Honor's questions were improper and tend to prejudice these defendants by causing some shadow and some reflection to be cast upon a witness who has merely obeyed a subpoena to come in and give his opinion.

(Testimony of Father Paul Meinecke.)

The Court: The motion is denied. In fact, I developed the situation that the witness was subpoenaed. It was my first question, Mr. Hallinan.

The motion for a mistrial is denied.

We will take the recess.

Father, do you mind remaining for a few minutes?

The Witness: No, certainly not.

The Court: You may come into my chambers if you wish, or make yourself perfectly at home.

The Witness: Thank you.

The Court: Be careful going down the [4797] stairs.

(Thereupon the jury retired from the courtroom.)

The Court: Do you have some matters, Mr. Donohue?

Mr. Donohue: No, your Honor. I simply asked your Honor to ask the Father to remain a few minutes. You have already done that.

The Court: Father Meinecke, would you mind remaining a few minutes?

The Witness: I beg your pardon?

The Court: May I ask you to remain for a few minutes?

The Witness: Certainly.

The Court: We will take the recess.

(Recess.) [4798]

Mr. Donohue: If your Honor pleases, at this

time I would ask your Honor to ask Father Meinecke if he may not remain over until tomorrow morning.

Mr. MacInnis: What is the purpose? If there is some legitimate purpose, we have no objection and we couldn't have, but if the counsel will state the purpose, as we so often have been required to do——

The Court: Mr. MacInnis, I appreciate your comment. If Mr. Donohue is prepared to disclose the purpose——

Mr. Donohue: Yes, your Honor. I wish to read the transcript of the Father's testimony before further cross-examination is had.

Mr. MacInnis: We have no legal objection. If he can do that by 2:00 o'clock today, it would be better. I assume that it would be within your Honor's discretion to ask Father Meinecke to remain, and we will not object to it if you think it is proper.

The Court: Thank you. Ladies and gentlemen of the jury, I have one brief statement to make to you in the light of a possible misconception on the part of the Court, at least on the part of counsel and the Court addressing questions to witnesses. I have not had an opportunity to examine the transcript. There was considerable discussion at or about the time that I addressed several questions to the Father. I said to you then, and I repeat now, that the questions that I addressed to Father [4799] Meinecke were, I believe, pursuant to the inquiry at hand. Only in passing I think the first question

I asked him was whether or not he was subpoenaed. That was overlooked. I think in fairness to Father Meinecke it was a question that should have been asked, showing his purpose in coming here.

As I indicated to you at the outset of this case, and as I repeat constantly, and as I will have occasion to tell you at the conclusion of this case, the question of the credibility of witnesses, their reasons or motives in testifying, all and singular, the factual issues remain with you and are for you in their ultimate determination. I have no province—ordinarily not, I say—in the determination of the factual background or consideration of this case. Any conversations I have had with counsel on either side, prosecution or defense, or any colloquy that we may have had, may not be regarded by you as reflecting the Court's view upon this matter at all, nor as reflecting upon either Mr. Schmidt now on the stand, Mr. Robertson or Mr. Bridges. Any discussions with counsel in your presence or out of your presence, if they have been brought to your attention, are not to prejudice you in any manner concerning the guilt or innocence of these men on trial. It is my sworn duty, and it is your sworn duty, to provide the defendants on trial with a fair and impartial trial. Likewise under our oath it is our sworn duty to accord the prosecution, the Government of the United States, a fair trial. [4800]

Latterly, in my examination of Father Meinecke some mention was made by counsel concerning the asserted impropriety of a question on my part to the Father. I might say to you that that was not

born of any desire on my part, nor was it designed to inquire into Father Meinecke's mental processes. Nor was it to reflect upon his integrity. The question was born and conceived out of a desire on my part to accord fairness to the witness, for the reason that mention was made during the course of this testimony that he left San Francisco for Nevada; an inference might be drawn from that departure that it had something to do with activities in trade unionism and the like. The Father on the witness stand volunteered that he asked to be transferred. I merely wanted to inquire, ladies and gentlemen, a very simple question, not born of curiosity on my part, but born of a desire to provide you with all the facts surrounding the Father, and it was to the end that I might inquire as to his health. Very many people have to leave large metropolitan areas to go to less burdensome parishes and that was the reason underlying my question.

Now, you may proceed, counsel.

Mr. MacInnis: Before I proceed, I want the record to show an objection to those portions of your last remarks which are offered in explanation of the questions posed to the witness, Father Paul Meinecke, upon the ground that your remarks are self-serving, gratuitous, and have the total effect of adding injury [4801] to injury. I think we obviously have no position in this case to offer in argument in rebuttal of your Honor's remark, but I suggest that the explanatory remarks are at least partially as improper as the ones originally made, and I want to object to those remarks remaining

in the record.

The Court: The objection is overruled. [4802]

February 2, 1950—10:00 a.m.

The Clerk: The United States of America v. Harry Renton Bridges, Henry Schmidt and J. R. Robertson, on trial.

Mr. MacInnis: Call Father Paul Meinecke again, please.

I understood that the special prosecutor wanted to investigate Father Meinecke and thus had him held over until today. So if there are some questions, he is now available.

Mr. Donohue: The special prosecutor made no such statement, that he wanted to investigate Father Meinecke. He said he would like to read the transcript of testimony and ask him some more questions.

The Clerk: The witness on the stand is Father Paul Meinecke, heretofore sworn.

FATHER PAUL MEINECKE

recalled.

Cross-Examination (Continued)

By Mr. Donohue:

Q. Father, during the period that you were here in San Francisco you were a member of the Franciscan Order of the Catholic Church?

A. You are absolutely correct, sir.

(Testimony of Father Paul Meinecke.)

Q. Are you still a member of that order, Father?

A. No, sir.

Q. And at the time, Father, when you left San Francisco after ten years in the Franciscan Order here, in which, as you stated, [4873] you devoted much of your time to the problems of labor, was the decision to leave San Francisco fully voluntary on your part?

A. It is true there seems to be an apparent contradiction there between what I said yesterday and what you are bringing out now. If you will pardon me a moment, you see, every priest takes a vow of obedience, and he must be like a soldier ready to go and come for any assignment. I had been working, as you say, here in San Francisco about ten years in the same parish in those activities you refer to, and my superior saw fit to use my services in another parish in Spokane, Washington. But during the years that I was working here in San Francisco, maybe for five or six years, I had the good fortune to be appointed as the chaplain of the San Francisco recreation camp in the high Sierras. There I discovered that I had a great yen for the wide open places, for mountains and valleys where there aren't too many people; and when I was up in Spokane, corresponding with some other priests who had volunteered for the Nevada missions, I likewise conceived the idea, and through proper channels, through my superiors and through the Bishop and finally with the approval of the Holy Father himself, I was allowed to volunteer for the Nevada mis-

(Testimony of Father Paul Meinecke.)

sion where I am now engaged in priestly work.

Q. And that, Father, was while you were in Spokane, not while you were here in San Francisco?

A. That is correct. [4874]

Q. Was your leaving San Francisco and going to Spokane under orders of your order, or was it a voluntary request on your part?

A. At that time it was—it falls into the first category; it was obeying an order, as every one of us priests must do.

Q. Father, yesterday when you said that Harry Bridges was not a member of “our parish,” referring to St. Boniface, you didn’t to give the impression that he was to your knowledge a member of any other Catholic parish of this city or diocese?

A. He would automatically be a member of the parish within whose confines or parish limits that he lived.

Q. Do you know of your own knowledge whether he is an active member of any Catholic church in the City of San Francisco?

A. To the best of my knowledge, I would not be able to answer that question in the affirmative.

Q. When you talked with Mr. Bridges, Father, about the possibility of his coming back into the Church as a practical Catholic, when was that, approximately?

A. I beg your pardon?

Q. When was it?

A. On many occasions.

Q. When was the——

A. That was a great part of the motive of my association with Mr. Bridges; I had that hope.

(Testimony of Father Paul Meinecke.)

Q. Did he talk with you on that subject on many occasions? [4875] A. That is correct.

Q. What is your best recollection, Father, as to when the last occasion when you discussed that subject with him occurred?

A. I could not say that exactly, but I would say that out of three—out of three times that we would meet, on at least one of them I would bring the subject up and I would tell Mr. Bridges how much it would—oh, it would redound to his influence. I thought it would be a great help to him to be a practical Catholic and also a great labor leader; that his influence would be all the greater.

Q. Do you recall with respect to his personal circumstances at the time when you last talked to him whether he was then married to the same wife with perhaps whom you may have talked yourself at one time or another?

A. Yes, I knew her and I spoke to her, and at that time he was married to her.

Q. Have you talked with him at all or has he discussed with you at all the subject of the possibility of becoming again a practical Catholic, if he ever was one?

A. I think I had him right on the edge a couple of times ready to push him over.

Q. Was that, Father, before he had taken a second wife after having divorced the first?

A. That is correct.

Q. Is there some rule in the Catholic Church

(Testimony of Father Paul Meinecke.)

whereby one [4876] becomes excommunicated for having married a second time with a living spouse by the first marriage?

A. No, the penalty is not excommunication.

Q. Is there a penalty of excommunication for a Catholic who fails to carry out his Easter duty?

A. Not any more.

Q. Then you still consider Harry Bridges a Catholic?

A. Yes. Once baptised, as I said, sir, he will always be a Catholic. He can never erase that fact. A person may wander a bit, may forget about their religion, fail to practice it for many years of their lives, as many people do, but when they return to the Church the only thing they have to do, they go to confession, say, "Father, I have been away for twenty years; I want to get myself lined up again," and the priest merely hears his confession, gives him absolution, the man is in good standing with the Church again. [4877]

Q. You were here, Father, from 1938 through 1947?

A. Approximately.

Q. And I take it that during the period of your activity with the Association of Catholic Trade Unions that you sought to warn the members of your organization of the dangers of infiltration in the labor movement of members of the Communist Party, did you not?

A. That is one of the very purposes of the organization, to make the members aware of that.

Q. In consequence of that type of instruction,

(Testimony of Father Paul Meinecke.)

Father, I take it that you yourself familiarized yourself in some measure or in some degree with the principles of the Communist Party?

A. I believe I made more than an ordinarily thorough study of the subject. If you will pardon me for going back a few years, I believe as early as 1934 you would have seen me in Union Square in New York or on the Common in Boston on a soapbox talking and arguing with Communists. In fact, I would interject myself into the arguments of some other soapbox orators and heckle them until such time that the Communist or worker or all sorts of Communists and Socialists would finally in extreme exasperation say,—well, they would use a little rough language. If I may be pardoned, they would usually say, “If you know so damn much about it, why don’t you come up here?”, and I was waiting for such an opportunity, and I used those opportunities.

Meanwhile, at home I studied and I discussed Communism in a [4878] practical way with Communists and with Socialists and every variety of radical, so that I would not only have that book knowledge, but likewise I would see how it was interpreted by the man in the street who posed or thought he was a Communist. And when I came west, I did not have the opportunities that I had on the East Coast, but I began to familiarize myself with the scene of Communism as it worked in San Francisco, tried to meet the man who was a Communist, the men who were Communists, talk to them,

(Testimony of Father Paul Meinecke.)

read about them, and of course at the same time I was working with my own group. Especially I was working with a group of young people who were called the Young Christian Workers. One of the main purposes of that organization was to combat Communism positively. We did not fight Communism in the negative; in other words, always preaching against it. We tried to teach the positive principles of the good trade unionism. We figured we would be wasting our time if we were always walloping Communism. We had a program, a very positive program of our own, which we wished to sell and which we devoted most of our time to, being positive, not negative.

Q. Then I take it, Father, that because of your familiarity with the Communist doctrine, that you carefully examined the manifestations of the Communist Party by way of their propaganda in the United States during the period of time in which you were here in San Francisco?

A. You are absolutely right. I watched it like a hawk. [4879]

Q. Taking you back, then, Father, to August of 1939, at the time when Russia and the Nazis signed their famous peace pact and became allies and then proceeded to divide Poland between them, each taking substantially a half, do you recall that at or about that time the Communist Party propaganda in the United States was one which called the war in Europe an "imperialistic" war and one which opposed any aid on the part of the

(Testimony of Father Paul Meinecke.)

United States to either England or France, to aid them in their fight against Hitlerism? Do you recall that that was the Communist Party line in 1939?

A. Yes, that is when the Communist Party did one of their seasonal flip-flops, and we all had a good laugh at them.

Q. And do you recall that at or about the same time it was the propaganda line of the Communist Party in the United States to oppose the lease-lend bill, to oppose the draft act, and to propagandize that now famous statement, "The Yanks are not coming."?

A. That was part of their program at that time, as far as I remember now.

Q. Now, was the fact that at the same time Harry Bridges urged and argued the same propositions as were argued by the Communist Party at all significant to you in forming your estimation of the character of Harry Bridges or his membership or non-membership in the Communist Party?

Mr. MacInnis: Pardon me just a minute. Now, that question [4880] assumes facts not in evidence. The facts as stated by the special prosecutor are not true in the first instance. Harry Bridges did not advocate those policies, and the question put to this witness is an unfair one, telling him in advance that these things are true and then asking him to give an opinion.

Mr. Donohue: I will withdraw the question and ask another one, if Your Honor please.

Q. Do you know, as a good friend of Harry

(Testimony of Father Paul Meinecke.)

Bridges and one who, as you say, was familiar with this Communist line in the United States at that time, whether or not Harry Bridges advocated the same principles we have just discussed?

A. I beg your pardon? I hope I did not misunderstand you. Do you mean to say that Harry Bridges was familiar with all those things?

Q. I am asking you now, Father, if you do not know——

A. Or am I familiar?

Q. I beg your pardon. May I ask you, Father, as a matter of fact, do you know whether or not during this same period of time Harry Bridges also advocated or opposed, let me say, lend-lease, opposed the draft act, was in favor of the principle that the “Yanks are not coming,” and designated the then war between the allies in Europe and Hitler as an imperialistic war?

A. Well, that is a pretty big bundle, but I would say definitely I do not know whether he was for or against those things, [4881] because to the best of my recollection now, I do not recall having a conversation with him on any one of those subjects.

Q. Is this during the period of time, Father, when you were forming your estimation by reading between the lines as to whether or not Harry Bridges was a Communist?

A. That's right.

Q. But you did not ask him his views on these matters which at that time seemed to have assumed a great proportion in this country?

A. I think I can truthfully say that I had my

(Testimony of Father Paul Meinecke.)

mind pretty well formed about Harry Bridges' stand on Communism before those events came up.

Q. That is, before 1939?

A. But what he may have done during this time, I could not say now. Maybe through your ability to investigate those things, you could tell me. But I do not know.

Q. Then let me ask you, Father, if you were assured, as a matter of fact, or if you knew as a matter of fact, during that period of time that Harry Bridges did advocate those things which were also advocated by the Communist Party, would your opinion as to his membership or non-membership in the Communist Party be subject to review?

Mr. MacInnis: Pardon me. We in this case are not prepared to accept the assurances of the special prosecutor as to this fact or any other fact, and hence we object to the question as [4882] stating facts not in evidence.

Mr. Donohue: I haven't made any assurance. I asked him if he were assured.

The Court: This is cross-examination; I will allow it.

A. If I were assured, you know what I would do?

Q. I am interested, Father.

A. I would go look up Harry and find his motivation and say, "Why?", because there are many other people in the country whom we know were not and are not Communists but who followed various

(Testimony of Father Paul Meinecke.)

points of that program as you outlined it. Some very outstanding men, but not Communists.

Q. Father, do you recall that there came a time in 1941 when the peace pact between Nazi Germany and the Soviet government was interrupted by an attack in June, 1941, by Hitler upon Russia?

A. Yes, sir.

Q. And do you recall from your familiarity with the doctrine and operation of the Communist Party that the Communist Party in the United States immediately then changed the term from an "imperialistic" war to a "people's war"?

A. That's right; they did another flip-flop.

Q. Now, do you know whether or not at the same time and simultaneously therewith Harry Bridges did a flip-flop, as you have termed it?

A. Hmm. Another one of those subjects we did not discuss. [4883]

Q. Father——

A. You see, look, please—if I may say this?

Q. Surely.

A. In our association I told you before that we were positive. We wasted little time on these other issues. If I went to see Harry Bridges, it was about something, a problem in trade unionism or something that came up in my group and I needed a little help, or it was something about a job for someone, or it was something about a certain member of his union who may have got into a little scrape with the union officials and appealed to me, and would I present the facts to Mr. Bridges, you see.

(Testimony of Father Paul Meinecke.)

Q. Yes. Father, as a matter of fact, were you lulled into a false sense of security on Mr. Bridges' relationship with the Communist party by the mere fact that he talked to you at some time or other about the possibilities of his returning to the fold as a practical Catholic? A. No, sir.

Q. As a matter of fact, he never did anything about returning to the fold as a practical Catholic, did he, Father?

A. Yes, he took some very important steps.

Q. You don't mean that his second marriage was a very important step in that direction, do you, Father? A. I did not say that.

Q. Then what steps do you have in mind, Father?

A. By his close association with me, if I may say so, by his [4884] continuation of that friendship and that helpful attitude toward me, that deferential and respectful way of treating a priest, I saw that we were making progress.

Q. Don't you know, Father, that many persons who are not of our faith are very deferential to Catholic priests and to all men of the clergy?

A. I think that if their motivation is not unworthy——

Mr. Hallinan: I think this discussion, Your Honor, of theological and ecclesiastical matters ought to stop, and I do say, after an experience in the court yesterday, that persons of a non-Catholic faith seem to have more respect for certain

(Testimony of Father Paul Meinecke.)

priests, at least, than some members of the Catholic faith. But it seems to me that this inquiry into Mr. Bridges' ecclesiastical beliefs is going a little bit too far. If counsel is just trying to show off what he professes to know about it, why, he can do it in some other form; but doesn't it seem to you that we have about enough inquiry into whether Mr. Bridges goes to confession or does not, and what his activities are in that behalf?

Mr. Donohue: May I proceed, Your Honor?

The Court: I might say, in response, Mr. Hallinan, that I believe the cross-examination now is within proper bounds.

Mr. Hallinan: I concede, but in the meantime I want to make the objection, Your Honor. I want to point out that little suggestion, backing up counsel's statement about non-Catholics [4885] frequently having more respect for the priest than Catholics show.

Q. (By Mr. Donohue): Father——

A. Yes, sir?

Q. Do you recall that immediately after the conclusion of the last World War that the Communist Party in the United States began to demand the immediate withdrawal of American troops from China and Korea, so as not to deter the so-called "valiant" Chinese Reds from taking over all of China?

A. I remember reading that fact, reported in the newspapers.

(Testimony of Father Paul Meinecke.)

Q. Do you know, Father, from your close contact with Harry Bridges whether he too advocated the immediate withdrawal of American troops from China?

A. You see, that would be another one of those subjects that we wouldn't discuss unless I made a deliberate point to do it. And right now I have to tell you that I do not remember asking Harry, "How do you stand on that?"

Q. And do you remember, Father, that when the Marshall plan was developed in this country, and for the purposes with which we are all familiar, that that, too, was bitterly opposed by the Communist Party in the United States?

A. I remember reading about that in the paper, too.

Q. And do you remember, Father, whether, or do you know whether or not as a matter of fact Harry Bridges also at the same time opposed the Marshall Plan? [4886]

A. I do not know that.

Q. Is it a fact, Father, that before these incidents just inquired about which began in 1939, that you had closed your mind on the subject as to whether or not Harry Bridges was a member of the Communist Party?

A. No, I had already used what we might call a reasonable, more than reasonable amount of judgment, perspicacity, investigation, to arrive at a conclusion, and a man like Mr. Bridges does not certainly change his principles. Due to that afore-

(Testimony of Father Paul Meinecke.)

said investigation, I have told you about, I had already come to the conclusion that the man was, well, if I may describe him, he seems to be affected with a virus; he has a bug in him. That bug is militant trade unionism. I do not think that the man will ever rest until everyone, white collar workers, and all the workers, are in a good union. He has dedicated his life to that ambition. That is his work, that is his ideal. And I discovered that in the earlier years of our association. Perhaps it appears here that I am going a little out of the way to put in a word for him, but I must tell the truth. When you served that subpoena on me and I was told to come here I thought I would just be able to say yes or no and go home. I live almost a thousand miles from here, over mountains and ice and snow. I was not prepared to—I did not expect this. But you have goaded me into saying these things, and so pardon me if I speak with a little bit too much earnestness or, as someone said, loquaciously. [4887]

Q. You understand, Father, that I didn't issue a subpoena for your appearance here?

A. No, but the officer of the law did, and here I am.

Q. You understand that you were subpoenaed by the defendants? A. That is correct.

Q. As a witness as to the character of Harry Bridges?

A. I beg your pardon for saying "you."

Q. With respect to that subject, Father, when

(Testimony of Father Paul Meinecke.)

did you first discuss with anyone the fact that you were coming here to testify as to the character of Mr. Bridges?

A. When did I first discuss it with someone? Last Wednesday or Thursday in Eureka, Nevada, with some of my parishioners.

Q. At that time, Father, had you been asked by someone if you would come here?

A. Just a moment. Correction. I was warned over the telephone. I was warned over the telephone by Mr. MacInnis.

Q. And when you say you were warned, you mean——

A. Then I discussed it with some of my parishioners.

Q. When you say you were warned, you mean you were alerted for the trip here to San Francisco for the purpose of giving your testimony?

A. Yes, as far as I remember it, I was alerted that I would be served a subpoena.

Q. When had you been in San Francisco last, Father, before you came here a day or two ago?

A. A month or two ago.

Q. Did you discuss this subject matter with anyone at that time?

A. In a general sort of way, yes, but not involving me personally.

Q. With whom did you discuss it in a general sort of way? A. Mr. McInnis.

Q. Have you discussed it with Mr. Bridges?

(Testimony of Father Paul Meinecke.)

A. Mr. Bridges was there on one occasion, likewise Mr. Hallinan.

Q. Father, you were in San Francisco in July of 1940, were you, sir? A. I believe I was.

Q. And at that time you were active in the Association of Catholic Trade Unionists?

A. July?

Q. July of 1940.

A. No; I am sorry; I wasn't in San Francisco. I was at Camp Mather. I know that for sure. I was out of San Francisco in 1940, I was away from San Francisco from Memorial Day until about two days after Labor Day, when I returned. I know that exactly, and I think that if you—I have got a very good witness to prove that I wasn't in San Francisco at that time.

Q. Father, did you ever have called to your attention an article by Richard Lamb on the general subject of Catholic Unionists organized to drive out the racketeers, which appeared [4889] in the San Francisco edition of the San Francisco News on Friday, July 19, 1940?

A. I am not aware of the article or not familiar with it.

Q. Are you familiar with the Monitor, the official organ of the archdiocese of San Francisco?

A. That's right.

Mr. Donohue: I will ask the clerk to mark this United States for identification next in order and ask him to direct the attention of the witness to a published letter from Harry Bridges to the Rev.

(Testimony of Father Paul Meinecke.)

Father Charles Owen Rice, and the reply thereto, and ask him——

Mr. MacInnis: May I see it first?

The Clerk: May it be marked Government's Exhibit 19 for identification, your Honor?

The Court: So ordered.

The Clerk: Government's 19 for identification.

(Newspaper marked U.S. Exhibit 19 for identification.)

Mr. MacInnis: Your Honor, this is a letter which might well be shown to Harry Bridges as a witness because it contains a letter by Bridges and a reply apparently by Father Rice, but so far as this witness would be concerned, I think it would be purely hearsay.

Mr. Donohue: Only this, if your Honor pleases: If the witness has never seen the letter and the reply, obviously I could ask him no questions about it. [4890]

The Court: You might ask him if he has seen it.

Mr. Donohue: If he has, then I think I am entitled to ask him whether it affected his judgment of Mr. Bridges.

The Court: Do you understand?

The Witness: Certainly. I will read it. I will be glad——

Mr. MacInnis: Pardon me. The question is: Did he ever read it before?

Mr. Donohue: Yes.

Mr. MacInnis: Not to read it now.

(Testimony of Father Paul Meinecke.)

Mr. Donohue: Yes, surely; had he ever seen or read the article before?

A. Finished. May I hold it for a moment?

Q. Had you ever read the letter before?

A. I do not remember. When was this again?

Mr. Donohue: Then I may not question the Father if he hasn't read it.

A. '48, August. I wasn't in San Francisco.

Q. I understand, Father, and that article or those letters were not heretofore called to your attention?

A. No, but right here, if I may, if you will pardon me, right in the article Father Rice says none of these things alone would make you a Communist.

Q. I quite understand.

A. I know of Father Rice; I know of his wonderful activities for labor. I think if Father Rice were not a Pittsburgh [4891] priest but rather working here on the West Coast closer to our picture and the man under discussion—you would say that is just my opinion——

Q. Perhaps I wouldn't Father.

A. To get to know a man you have to be close to him, to know his motivation in making a decision. It isn't easy to—oh, the greatest temptation is to make a snap judgment, and because the Communists say that a thing is red and Harry says that a thing is red, therefore he is a Communist.

Q. Father, do you draw your estimation of men's characters by what they say or by what they do?

A. Both, and between the lines.

(Testimony of Father Paul Meinecke.)

Q. Isn't there something in the Good Book that says that "Not by faith alone"?

A. Yes, but I don't see the implication.

Q. "Faith without good works is dead"?

A. Right.

Q. You are not in any way or would not in any way be persuaded in your estimation of the character of Harry Bridges by an analysis of the question as to whether or not he did follow the same doctrine as the Communist Party followed from 1939 to the present day?

A. As I answered before, I said that many another man occasionally, or almost all the time, was following what the Communists advocate, and yet we know they were not Communists themselves.

Q. That fact wouldn't create even a suspicion in your mind, Father?

A. I told you the other day if I had a reasonable suspicion that Bridges was or is a member of the Communist Party—I am with you—I wouldn't be here; I wouldn't lend aid and assistance to an enemy of our country or the principles of our country.

Q. You believe——

Mr. Hallinan: Let him finish, please.

The Witness: That we are all working for.

Q. (By Mr. Donohue): Then tell me——

Mr. Hallinan: He interrupts at every word. He tries to stop and arrest the witness.

Mr. Donohue: That is not so.

Mr. Hallinan: When he had Johnson and Crouch

(Testimony of Father Paul Meinecke.)

and Ross on there, every question that was asked—if you asked the man's middle initial, he was allowed to argue and speak upon his principles and his beliefs, and every question that is asked of Father Paul and every answer he gives, Mr. Donohue now interrupts. We ask that the witness be permitted the courtesy of finishing his answers.

The Court: Father, do you feel any degree of discourtesy in connection with your examination?

A. No, this is all somewhat——

Mr. MacInnis: Pardon me. I don't think it is proper for [4893] the Court to ask that of the witness.

The Court: I wanted the Father to be perfectly comfortable.

Mr. MacInnis: I don't think he has been allowed that, if the Court please, and I don't think it is for the witness to be allowed to point that out.

The Court: That rests in my discretion.

Mr. MacInnis: I think the counsel in the case——

The Court: A lot of other things rest in my discretion.

Mr. MacInnis: I appreciate that.

Q. (By Mr. Donohue): Have you finished, Father?
A. What were we talking about?

Q. I am not too sure, Father, by reason of the interruption.

A. I was merely trying to help you. You see, you bring back so many things. You throw a whole big load at me and I give you an answer, then you

(Testimony of Father Paul Meinecke.)

cut it up into little pieces and you throw each little piece at me, and the way you word things—I don't want you, because you are a very clever gentleman and well trained in what you are doing, to tie me into a knot.

Q. It isn't my purpose——

A. And I am using my limited intelligence to try to be truthful and honest and straightforward and tell you, as you made me swear, tell you the whole truth.

Q. We are concerned only with the truth, Father. May I ask you, Father, if you are familiar with the Labor Leader, the [4894] national organ of the Association of Catholic Trade Unionists?

A. I used to—may I just see the masthead? Yes, I used to be a regular subscriber.

Mr. Donohue: I am going to ask the clerk to mark this as United States for identification next in order.

The Clerk: May it be marked Government's Exhibit 20 for identification.

(Newspaper marked U. S. Exhibit 20 for identification.)

Mr. Donohue: I shall ask the clerk, Father, to hand you the issue of July 1, 1940, and ask him to direct your attention to a statement therein and ask you to read it and make no comment, please, until I ask you another question.

A. I have read it.

Q. Had you read that article prior to this morning, Father, with particular reference to that sec-

(Testimony of Father Paul Meinecke.)

tion which I think is marked off in red crayon?

A. July 1, 1940, I was up in the mountains as chaplain of Camp Mather.

Q. Does your best judgment——

A. No doubt my mail piled up here at the church, and when I came home I would look them all over hurriedly. You can imagine how many were stacked up; I was away for more than three months.

Q. Then the likelihood——

A. This isn't too good a period, because Memorial Day, 1940, I [4895] just had been released from the hospital where I spent almost a year ill in the hospital. The circumstances were such that I did very little reading.

Q. Then you have no recollection, Father, of having read specifically that article?

A. You are absolutely right.

Mr. Donohue: Let me have it back, Mr. Mitchell.

Q. At any time, Father, during the period that you were at St. Boniface did you ever discuss the reputation of Harry Bridges with your co-religionists at St. Boniface?

A. Not only there, but in other places, too, with many priests. Any priest who was labor-minded and interested in these things, he was bound to come up as a subject of conversation.

Q. Can you tell us the name, Father, of any of the fathers who stated to you that Mr. Bridges' reputation for truth, honesty and integrity was good?

A. You did that to me yesterday. People do

(Testimony of Father Paul Meinecke.)

not speak in such stilted language or in an utterance of that sort. They are either—they are either for the man or they are against him. If they are themselves upright people, men of good judgment and they are for him, you know that their judgment is based on something more than just the color of his hair or the curl; it is based on fundamental qualities of the man's character. And I do not think that from now to the end of my life I am ever going to have anyone come up to me and say, "You know, Father, [4896] that Joe Brown is a man of truthfulness, honesty and integrity." Put all those qualities together and get the essence of them as they appear in a man's demeanor and his behavior and his attitudes and his actions and his talking and the way he treats other people, then you know indirectly that he is a man of truthfulness and honesty and integrity. And that is the way I explained yesterday, and I repeat now, that is how I arrived at that conclusion which I gave you under oath.

Mr. Donohue: I have no further questions.

Redirect Examination

By Mr. MacInnis:

Q. Now, Father Meinecke, the prosecutor put to you these words: "Faith without good works," and he suggested that you should look to the works of Harry Bridges. Do you find any good works on his behalf in analyzing his character here?

A. Mr. MacInnis, the history of Harry Bridges is already written here, it is a part of the warp and woof of San Francisco, and while I do not give him

(Testimony of Father Paul Meinecke.)

credit for doing all the things that some of the newspapers give him credit for, I do give him credit for many of the gains and advantages that have been made by the working people of this city, not only in his own trade unions but in others which were on the occasion involved in a strike and he and his leaders and his members helped. I remember specifically when the little girls that sell ribbon behind the counters in our stores here in town—I believe [4897] they call them retail clerks—they were out on the street for a while. The white-collar workers had been underpaid at that particular time; everyone admitted it, although we all deprecated the strike, but I know that Harry Bridges and all his men were in there helping the kids get a decent wage, teaching them that if they all stick together and join their union and work from within the union they will be able to get somewhere.

I know we have discussed many times efforts to try to organize other groups in San Francisco of white-collar workers; they are usually the last to join a union, because they fail to see the value of it. If I had the time and the opportunity I could sit down and draw you a long list of good things—good works, if you wish—that Harry Bridges has done for San Francisco. I do not say thereby that I approve of all of his policies. I am not a member of his union; I am not a member of the executive board or the officials of the union. I had no voice in those things, but I always presumed that if honest and upright labor people, after considering all

(Testimony of Father Paul Meinecke.)

the other methods of getting justice, if they call a strike, they have good reason to do so, and if I were in their position I might do the same thing—although I do not like strikes because of that one feature; they hurt the common welfare, they hurt the public. But sometimes working men can't get justice in any other way except by being on a strike.

Q. The special prosecutor asked you some other questions to probe into the ways you really did consult with Harry Bridges from time to time on these matters.

Mr. MacInnis: Now, I am going to ask that there be marked for identification a letter which I have already shown the prosecutor, then I am going to show it to you and ask you if it is actually a letter that you sent to him. It is out of Mr. Bridges' files.

Mr. Donohue: I have to object to it, if your Honor please. I take it the witness has been produced as a character witness. This is merely his self-serving declaration, a personal letter which the Father wrote to Mr. Bridges, obviously has no evidentiary value. He can ask the question——

The Witness: When did I write that letter?

Mr. MacInnis: Many questions have been asked probing into whether or not these things took place. Now, if the inference of recent fabrication is at all present, why, this letter, which is a self-serving declaration from Father Meinecke to Harry Bridges in 1943, in his own handwriting, would be some

(Testimony of Father Paul Meinecke.)

evidence of the truth of what he says here. Now, that is the purpose of the question.

The Court: Do you have any objection to that letter, Mr. Donohue?

Mr. Donohue: Well, it is a self-serving declaration, if Your Honor please, but I have no objection to it.

The Court: I have not read it, but it may be received.

The Clerk: The exhibit is marked Defendant's X-2 for identification.

Mr. MacInnis: I believe it is in evidence.

The Clerk: In evidence, X-2.

(Whereupon letter, Meinecke to Harry Bridges, was received in evidence and marked Defendants' Exhibit X-2.)

Mr. MacInnis: May it be shown to Father Meinecke?

(Document handed to the witness by the Clerk.)

The Witness: Yes, I have read it.

Q. (By Mr. MacInnis): Is that your handwriting? A. Yes.

Q. Would you give it to Mr. Mitchell, please?

(Document returned to counsel by the Clerk.)

Mr. MacInnis: Reading from the exhibit just now introduced, "Young Christian Workers, 135 Golden Gate Avenue."

(Testimony of Father Paul Meinecke.)

Q. I take it that is the St. Boniface Church school address, is it?

A. No, that was the address of the Youth organization that I was taking care of.

Mr. MacInnis: "December 8, 1943.

"Dear Harry:

"I was reading over the proceedings of the sixth constitutional convention of the CIO (November 1st, 1943), and I see that on page 4 one of your speakers said, 'Labor alone is a mighty power. Religion alone is a strong force. But in order to definitely assure the winning of the peace, no greater combination is more formidable than a union of organized labor and established religion.'

"That is just what I told you Sunday night. Your influence and power for the good of the workers would double if you would go back to your religion. What about your big boss of the CIO, Phil Murray? Is not he a good Catholic and a good labor man? You could be the same, and knock all the stuffed shirts off their pins. They would never be able to touch you. You would have too many real backers who would fight for you.

"I am sending you the Crowned Heights Comment, a Catholic labor paper, to show what some of the priests are doing [4901] for labor.

"Yours in Christ, our leader, Father Paul."

Q. Is that the letter you sent Harry Bridges on the date mentioned? A. That's right.

Q. Now, the special prosecutor asked you some other questions about national and international events. Are you of the opinion that every other

(Testimony of Father Paul Meinecke.)

American citizen who opposed our entry into the war before Pearl Harbor was a Communist?

A. No, no. Many, many great patriotic leaders of this country opposed that move and after the war was all over, some good people still doubted its wisdom.

Q. Two more short subjects mentioned yesterday. Is there anything wrong with your memory, Father Meinecke?

A. No, Mr. MacInnis. I suppose I am liable to err and quote from a fallacious memory at times, but I believe my memory is as good as average and on some things I would like to say I am sharper than the average. I can name for you every parishioner in my parish, I know every person in my town by name, and by face. How many do you know in San Francisco? I know all my people in my parish over in Eureka.

Q. Let me ask you this. Some inquiry was made about the state of your health. Are you suffering from any physical disability?

A. You might call it that. I once had an amputation and lost [4902] my left leg. But it doesn't affect my memory.

Q. When did you lose your left leg?

A. 194—1939. The day that Hitler went into Poland, I went in the hospital, and about 20 days later they amputated my leg.

Q. Was there any circumstance connected with the loss of your leg that has to do with your point of view in these matters?

(Testimony of Father Paul Meinecke.)

A. Well, I suppose I have to answer, I would say this: Anybody that goes through a little suffering becomes more sensible and a little bit more keenly attuned to the needs of other people. You become a little bit less selfish. You get, having suffered a bit yourself, you are more inclined to consider the feelings and susceptibilities and sensibilities of other people. If you mean that that was my motivation for becoming interested in the working, in the trade unionism and in helping people to better their wages and hours and conditions, I suppose it contributed to it.

Q. No. I mean, was there some incident in connection with your recovery from the ailment in connection with the amputation of your leg? Were there some blood transfusions?

A. Oh, yes. Well, that was because of the people in Chicago that I was able to help. They were also militant trade unionists.

Q. Who helped you?

A. And in their papers.

Q. Who helped you in the first instance, when you were in the [4903] hospital here?

A. The first person to come to my rescue?

Q. Yes.

A. Oh, I believe that was Mr. Redfern. He is a—well, I believe he is a Master Mason. I used to kid him quite a bit about that—“Masonic blood saves life of Catholic priest.”

Q. And he donated that?

A. And that is why he told me afterwards when

(Testimony of Father Paul Meinecke.)

this Jewish boy of Chicago appealed for a donation, Mr. Redfern was the first to suggest that I pass on some of that Masonic blood to the Jewish boy in Chicago.

Q. In other words, when you were in the hospital with your leg amputated, a Master Mason donated blood to you and you in turn donated blood to save the life of a Jewish boy in Chicago, is that correct? A. That is about it.

Mr. MacInnis: That is all.

Recross-Examination

By Mr. Donohue:

Q. Father, isn't it a fact that while all the persons who opposed the entry of the United States into the war were not Communists, that all Communists did oppose the entry of the United States into the war? A. I don't know.

Mr. Donohue: Thank you, Father. No further questions.

The Witness: I would have to know all the Communists. [4904]

Mr. MacInnis: No further questions.

The Witness: May I go home?

The Court: Yes, you may be excused.

Certificate of Reporter

(We,) Official Reporter(s) and Official Reporter(s) pro tem, certify that the foregoing transcript of 4765 - 4905 pages is a true and correct transcript of the matter therein contained as reported by me (us) and thereafter reduced to typewriting, to the best of my (our) ability.

/s/ RALPH D. SWEENEY,

/s/ ELDON W. RUSH,

/s/ W. A. FOSTER.

[Endorsed]: Filed March 1, 1950. [4905]

In the District Court of the United States for the
Northern District of California, Southern Division

No. 32117-H

Title 18, U.S.C. 401(1)

In the Matter of

CONTEMPT OF COURT ON THE PART OF
JAMES MARTIN MacINNIS

ORDER ON CONTEMPT

On the 4th day of April, 1950, the defendant appeared in person.

The Court having heretofore on the twenty-eighth day of February, 1950, duly and regularly adjudged James Martin MacInnis guilty of contempt of this Court and the matter of judgment and sentence

having been stayed and deferred until the conclusion of the trial stages;

It is adjudged that the defendant is sentenced to serve three (3) months in an institution to be designated by the United States Attorney General or his authorized representative.

It is ordered that the Clerk deliver a certified copy of this order on contempt to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

April 4th, 1950.

/s/ GEORGE B. HARRIS,

United States District Judge.

[Endorsed]: Filed April 4, 1950.

District Court of the United States, Northern
District of California, Southern Division

At a Stated Term of the Southern Division of the United States District Court for the Northern District of California, held at the Court Room thereof, in the City and County of San Francisco, on Tuesday, the 4th day of April, in the year of our Lord one thousand nine hundred and fifty.

Present: The Honorable George B. Harris,

District Judge.

[Title of Cause.]

SENTENCE OF JAMES MARTIN MacINNIS
ON CONTEMPT OF COURT

The defendant James Martin MacInnis being present in person, and the Court having heretofore on the twenty-eighth day of February, 1950, duly and regularly adjudged James Martin MacInnis guilty of contempt of this Court and the matter of judgment and sentence having been stayed and deferred until the conclusion of the trial stages;

It Is Adjudged that the defendant James Martin MacInnis is sentenced to serve Three (3) Months in an institution to be designated by the United States Attorney General or his authorized representative.

Ordered that judgment be entered herein accordingly.

It Is Further Ordered that the Clerk of this Court deliver a certified copy of this order on contempt to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

In the District Court of the United States for the
Northern District of California, Southern Division

Arising Out of No. 32117H

(U. S. v. Bridges, et al.)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES MARTIN MacINNIS,

Defendant.

NOTICE OF APPEAL

To the Clerk of the Above-Entitled Court and to
Frank J. Hennessy, United States Attorney:

You, and Each of You are hereby notified that James Martin MacInnis hereby appeals to the United States Court of Appeals for the Ninth Circuit from the judgment rendered and entered on April 4, 1950, finding said James Martin MacInnis guilty of contempt of court, and sentencing him to three months in prison. The name of the appellant is James Martin MacInnis; his address is 345 Franklin Street, San Francisco 2. The name of the appellant's attorney is George Olshausen; his address is 280 Union Street, San Francisco 11.

Alleged contempt arose out of the conduct of the case of the United States v. Bridges pending in the above-entitled court and therein numbered 32117H, in which appellant represented Defendants Schmidt and Robinson, and during the trial of which the

Certificates of Contempt alleges that James Martin MacInnis was contemptuous in making an assignment of misconduct on the part of the court in the cross-examination by the court of a witness called by defendants in said case.

Execution of the sentence was stayed by the District Court, and appellant is not now in custody.

/s/ GEORGE OLSHAUSEN,
Attorney for Appellant.

[Endorsed]: Filed April 12, 1950.

[Title of District Court and Cause.]

DESIGNATION OF CONTENTS OF RECORD

Appellant hereby designates as the record on appeal in the above-entitled case the entire contents of the record of U. S. v. Bridges, No. 32117H, in the above-entitled court. Said designation includes the proceedings at the sentencing of appellant on April 4, 1950, and the Certificate of Contempt filed by the District Court on said date; the Notice of Appeal; this Designation of Contents of Record; Statement of Points to be Relied on on Appeal.

A copy of the transcript of the testimony of U. S. v. Bridges is already on file with the Clerk of this court in U. S. v. Bridges, No. 32117H.

/s/ GEORGE OLSHAUSEN,
Attorney for Appellant.

Receipt of copy acknowledged.

[Endorsed]: Filed April 13, 1950.

[Title of District Court and Cause.]

STATEMENT OF POINTS TO BE RELIED
ON ON APPEAL

Appellant will rely upon the following points on appeal from the judgment described in the Notice of Appeal heretofore filed:

I.

None of the matters set forth in the Certificate of Contempt taken either singly or collectively constitutes contempt.

II.

By postponing the proceedings against appellant until the close of the trial, the trial judge lost jurisdiction to proceed under Rule of Criminal Procedure 42(a) and was without jurisdiction to impose the aforesaid sentence or any sentence because no attempt was made to conform with the procedure of Rule of Criminal Procedure 42(b).

III.

The district judge was without jurisdiction to proceed under Rule of Criminal Procedure 42(a) in that the Certificate of Contempt does not allege that any conduct of appellant disrupted, threatened to disrupt, or even tended to disrupt the orderly process of the Court.

IV.

The sentence of three months imprisonment is excessive.

/s/ GEORGE OLSHAUSEN,
Attorney for Appellant.

[Endorsed]: Filed April 13, 1950.

[Title of District Court and Cause.]

SUBSTITUTION OF ATTORNEYS

James Martin MacInnis, defendant herein, hereby substitutes William F. Cleary as his counsel of record herein in the place and stead of George Olshausen. The address of William F. Cleary is 345 Franklin Street, San Francisco 2.

/s/ JAMES MARTIN MacINNIS.

I accept the foregoing:

/s/ WILLIAM F. CLEARY.

I consent to the foregoing:

/s/ GEORGE OLSHAUSEN.

[Endorsed]: Filed April 19, 1950.

[Title of District Court and Cause.]

DESIGNATION OF CONTENTS OF RECORD

Appellant hereby designates as the record on appeal in the above-entitled case the entire contents of the record of U. S. v. Bridges, No. 32117H in the

above-entitled court. Said designation includes the proceedings at the sentencing of appellant on April 4, 1950, and the Certificate of Contempt filed by the District Court on said date.

A copy of the transcript of the testimony in U. S. v. Bridges is already on file with the Clerk of this Court in U. S. v. Bridges, No. 32117H.

/s/ WILLIAM F. CLEARY,
Attorney for Appellant.

[Endorsed]: Filed April 19, 1950.

[Title of District Court and Cause.]

ORDER EXTENDING TIME TO DOCKET

Good Cause Appearing Therefor,

It Is Hereby Ordered that appellant may have to and including the 8th day of July, 1950, to file the Record on Appeal and docket the cause in the United States Court of Appeals in and for the Ninth Circuit.

Dated: May 16, 1950.

/s/ GEORGE B. HARRIS,
United States District Judge.

[Endorsed]: Filed May 16, 1950.

[Title of District Court and Cause.]

CERTIFICATE OF CLERK TO
RECORD ON APPEAL

I, C. W. Calbreath, Clerk of the District Court of the United States for the Northern District of California, do hereby certify that the foregoing documents, listed below, are the originals filed in this Court, or a true and correct copy of an order entered on the minutes of this Court, in the above-entitled case, and that they constitute the Record on Appeal herein, as designated by the appellant, to wit:

Order on Contempt.

Certificate in Conformity With Rule 42(a) Federal Rules of Criminal Procedure.

Order on Contempt.

Minute Order of April 4, 1950—Sentence of James Martin MacInnis on Contempt of Court.

Notice of Appeal.

Designation of Contents of Record.

Statement of Points to Be Relied On on Appeal.

Substitution of Counsel.

Designation of Contents of Record.

Order Extending Time to Docket.

In Witness Whereof, I have hereunto set my hand

and affixed the seal of said District Court this 6th day of July, A.D. 1950.

C. W. CALBREATH,
Clerk.

[Seal] By /s/ M. E. VAN BUREN,
Deputy Clerk.

[Title of District Court and Cause.]

EXCERPTS FROM THE TESTIMONY IN No.
32117-H UNITED STATES OF AMERICA
VS. HARRY RENTON BRIDGES, HENRY
SCHMIDT AND J. R. ROBERTSON

Before: Hon. George B. Harris,
Judge.

Wednesday, December 21, 1949

* * *

PAUL CROUCH
witness for the Government.

Cross-Examination

By Mr. Hallinan:

* * *

Q. Have you been in any institution for nervous or mental disorders?

Mr. Donohue: Oh, I object, if Your Honor pleases. That is a wholly improper question.

Mr. Hallinan: It is entirely proper to find out of this witness' mental background.

Mr. Donohue: There is a rule of law, if Your Honor pleases, that no witness may be asked any question the answer to which may tend to degrade him. That is the only purpose for which this shot in the dark could be asked of this witness by Mr. Hallinan. After all, a witness is entitled to some consideration.

The Court: The objection is sustained.

* * *

Thursday, January 12, 1950

LEWIS HERBERT MICHENER, JR.

witness for the Government.

Cross-Examination

By Mr. MacInnis:

Q. Do you know a man named Dr. Ernest Cohen?

A. I believe I do, sir. I do know a doctor by that name.

Q. He is a psychiatrist in Beverly Hills, isn't he? A. That's correct, sir.

Q. And he has treated you for mental illness in 1944, hasn't he?

Mr. Paisley: Oh, Your Honor——

The Court: The objection is sustained.

* * *

Tuesday, April 4, 1950

Verdict

* * *

The Clerk: April 10.

The Court: That is all with respect to the defendants. They may be seated.

Mr. Hallinan: Yes, your Honor.

The Court: Now I have several matters affecting counsel. I might ask counsel to permit me without interruption to say what I have to say, and hereafter, at the conclusion, you may interpose whatever legal motion you may desire, or any individual request on your own behalf, or either of your behalves. I suggest you remain seated, counsel, if you wish.

I approach these matters affecting the attorneys with considerable diffidence and no amount of reservation. For when I deal with the attorneys, I deal with officers of this court. I desire to address myself briefly to Mr. Hallinan and Mr. MacInnis. And I say to you that from the beginning of this trial you have embarked upon a course of conduct designed and calculated to contemptuously provoke the Court in the hope that such provocation would lead the Court to commit error or plunge the case into a mistrial.

That such was your purpose has been entirely manifest to me. Such conduct is not alone an affront to the dignity of the Judiciary of the United States, it is an affront to the dignity, good name and honor of a great profession. I said to you, and I

repeat, that members of the bar are officers of the court. My experience has demonstrated that a vast majority of lawyers, in and out of court, conduct themselves with propriety, integrity, dignity and honor.

Your assault on this Court cannot go unchallenged, and I am determined, so far as I am able, in my humble capacity, that such behavior as displayed by you shall not be repeated in other Federal courtrooms. America is justifiably proud of its judicial system, and anyone who attempts to degrade it or weaken it is working an injustice.

With regard to you, Mr. Hallinan, I retrace my steps momentarily to remind you that on the 22nd of November, 1949, the Court adjudged you guilty of criminal contempt, and thereafter regularly filed a certificate under the provisions of Rule 42(a) of the Rules of Criminal Procedure. Thereafter, upon the request of your client, Mr. Harry Bridges, I permitted you to remain as counsel in the case and granted a stay of execution until termination of the trial.

The consent of the Court was obtained upon the belief, reliance and understanding that there would not be a repetition of such conduct. Unfortunately, within a comparatively brief period you deliberately launched into a series of acts and conduct again resulting in criminal contempt, which I have more particularly found and specified in a certificate. During the course of the trial and since the first adjudication, you have, as a pattern of deliberate misconduct and in flagrant contempt of this Court,

the dignity thereof and the respect due to it, sought to and did malign and abuse Government witnesses, attorneys and agents in a loud, contemptible manner. It is difficult to portray by written word your intonation, gestures and deportment, as well as the belligerent tone, mode and manner created. It is difficult to portray by the written word the loud language used by you and the contemptible language used by you, both in and out of the presence of the jury; all of which conduct was designed to bring into disrepute this Federal Court, as well as the judge thereof, charged with the administration of justice.

Accordingly, I specifically find that you, Vincent Hallinan, have been and you are now guilty of contemptuous conduct and misbehavior in the presence of the Court, in the particulars specified in the certificate which I have filed herein; thus obstructing the administration of justice. I therefore adjudge that you have been guilty of contempt of this Court for such conduct in the course of this judicial proceeding. It is adjudged that Mr. Vincent Hallinan is to serve six months in an institution to be designated by the United States Attorney General or his authorized representative, said sentence, however, to run concurrently with the previous judgment and sentence heretofore regularly made and entered on or about the 22nd day of November, 1949.

I am advised that an appeal has been prosecuted and is now pending before the Court of Appeals

with respect to the prior adjudication, and that that honorable Court has granted a stay. It would seem to me meet and proper, and in accordance with the ends of justice, therefore, to permit you, Mr. Hallinan, to remain at large with respect to the second adjudication which I have led here and which I find herewith, upon your own recognizance.

With respect to——

Mr. Hallinan: Might I comment on that now, your Honor?

The Court: Yes.

Mr. Hallinan: You suggested that after——

The Court: Yes, you may make whatever legal motion you have.

Mr. Hallinan: Well, I wanted to file an affidavit to disqualify you from pronouncing the matter in the same form as the one that I have heretofore filed. Might that be considered as being filed prior to this adjudication?

The Court: Yes, sir.

Mr. Hallinan: And I might say, then, also, your Honor, I see that there is a considerable moderation in many of the things that you have said. I feel that in this case, as you have expressed yourself to the jury, a great deal of bitterness came up and was reflected. I think, of course, one is a poor judge in his own cause; so a judge sitting on the bench thinks that certainly these passions and bitternesses do not reach to him and he is acting in an entirely judicious manner.

As far as I myself am concerned, I had no desire to procure a mistrial or anything of that kind. I

was shocked at the verdict. I thought we were going to get a verdict of acquittal. I didn't think it was going to be possible for a conviction to be produced on the testimony that was adduced here. So the Court is mistaken in that.

I might say this: That in all the things that I did and said in this court, I was acting according to my best lights to properly protect the rights of my client. Your Honor must see the incongruity of supposing that a private lawyer, helpless, just alone by himself, coming in and for some purpose such as that affronting the power of the Court and the power of the representatives of the Government, for some purpose of doing mischief or making himself unpleasant or anything of that kind. Your Honor should realize, having practiced law yourself, the temptation that a lawyer is under to do exactly the contrary, to overlook what he thinks are errors of the Court, to keep quiet in the face of what he thinks to be erroneous and even tyrannical rulings of the Court, to bow to the powers of the representatives of the Government.

I can only say this, Judge, that Harry Bridges, as he stood here with his two co-defendants, is a man with tremendous handicaps against him and against them. He has been maligned and prejudiced by newspaper articles, matters of that kind, for a great many years. He has had against him now special representatives and general representatives of large arms of the Government, and they have done all they could to procure a conviction.

To say that a private lawyer, then, got up and

so conducted himself that his—well, let us say his—courage in attempting to defend his client could be construed by the Court into such a course of conduct as to put himself at loggerheads with the Judge, with the prosecuting department, with the whole Government, is to pay an unexpected and strange compliment, your Honor; and it certainly makes me feel that if this were the last case that I tried, the very words that you uttered here would make me realize and pass on to my children that at least my swan song was conducted in accordance with the highest traditions of a noble profession.

The Court: No response need be made on my behalf, for I stand on the trial record and the transcript of proceedings, with respect to any alleged or asserted bitterness that I may have been claimed to entertain.

With regard to James Martin MacInnis, this Court heretofore, and on the 28th day of February, 1950, regularly adjudged James Martin MacInnis guilty of contempt of this Court. The matter of judgment and sentence having been stayed and deferred until the completion and conclusion of the trial, and the trial having been concluded and terminated, now said James Martin MacInnis is sentenced to serve three months in an institution to be designated by the United States Attorney General or his authorized representative. Although, in my opinion, Mr. MacInnis' contemptuous conduct was just as studied and flagrant as that of Mr. Hallinan, nevertheless I feel he is entitled to a lesser sentence, for the reason that he appears to have been, to some

extent at least, inspired by his senior colleague, Mr. Hallinan.

I hand to you, Mr. Mitchell, the original orders and documents, together with copies thereof, bearing upon the foregoing matters, for transmission to the Clerk's and Marshal's office, respecting Mr. Hallinan. The same order will prevail, that he may remain at large on his own recognizance pending whatever review he may desire to take from the adjudication of contempt.

Mr. MacInnis: I assume that I am invited to make a reply to the remarks of the Court as well.

The Court: Whatever legal response you may have.

Mr. MacInnis: Yes. Well, first of all, I suppose that the record may show the same motion which I have heretofore made, asking for the disqualification of yourself in passing upon any personal difficulty between this Court and me.

If this were not an atmosphere of grimness in which we now find ourselves, after what to me was a most astonishing verdict, I would be constrained to laugh—sitting, as I did, and listening to you tell us that we embarked upon a course of conduct calculated to provoke the Court into error that would in some way result in a mistrial, and telling me that my conduct was probably inspired by the contemptuous conduct of a greater degree as committed by my senior associate, Mr. Hallinan.

If I am invited to reply, as I feel I now am, I would like to point these things out. The matters in which the citation for contempt was issued

against me grew out of the interrogation of the Court of a witness produced by the defense, Father Paul Meinecke, a priest of the Roman Catholic Church. We sat here, in fact the walls probably still echoed with the departure of Lawrence Ross, a Government witness who had confessed his own perjury. He received nothing but a benign smile from the prosecution, and not a word of reproof from the Court. But this simple priest, who said a word in favor of the defendant Harry Bridges, was first put to a gruelling cross-examination by the prosecution. That was its right—it had the right to cross-examine witnesses. And then the Court turned on the witness. Your Honor mentioned gestures, words, looks in speaking of us. I have in mind your gestures and your words and your looks when you attacked that priest who testified here. Anything that I said I may have said in haste, but I said it in an effort to preserve a judicial atmosphere in this room.

When you speak of us further, generally, you speak of the two counsel for the defense as maligning and abusing Government witnesses and Government counsel. I have in mind that not a word of reproof passed your lips when the special prosecutor referred to the three defendants as “rats,” not a word of reproof crossed your lips when he referred to Mr. Hallinan as a “goat”; apparently the special prosecutor was a person entitled to some greater protection within the purview of this sanctuary in which we now find ourselves.

Assaults upon the Court. I have one or two

things I would like to say further, and then I will sit down. The course of conduct. I have been observing the course of conduct indulged in by the Court. It may be that I have deceived myself, it may be that I have been overanxious in this case; it may be that I am peculiarly susceptible, because of the bitterness of this case, to arrive at conclusions which I might not otherwise embrace. I do not think so. I recall most vividly an occasion following the appearance upon this witness stand of the men Johnson and Crouch, those men who came here and said that Bridges was in New York upon a particular occasion—men who similarly left here without any word of reproof from the Court. Then a legal discussion came up as to whether or not a certain question could be asked of a prosecution witness. The witness was named Kessler; he was an agent of the Immigration Service. The examiner was Mr. Hallinan. He was attempting to cross-examine that witness upon his motives, and a dispute arose as to the propriety of the question, whereupon the Court took a recess, upon the asserted quest of some cases from our courts of last resort. The Court came back upon the bench, apparently with a prepared statement in his hand, and in referring to the argument over the testimony of the witness, said more or less as follows: “Your question, Mr. Hallinan, is reminiscent to the Court of a similar tactic engaged in by defense counsel in the case of *Morton v. the United States*, in which our court said”—and then you proceeded to read to the jury a dissertation, saying that the defendants

had no defense, that the guilt of the defendants was uncontradicted, that as a last desperate gesture, in effect, an attack was made upon the motive of the witness. And then when it was pointed out, your Honor turned to the jury and said, "Forgive the unfortunate language of the Court."

I say that it is ridiculous to claim that Mr. Hallinan and I embarked upon any studied course of conduct to provoke this Court into error. When I hear those words, I feel even more like a fool. I embarked upon our trial in this case with the hope that we would receive a fair trial in every particular, and I continued to believe that we were going to have a fair trial even after the episodes of the first few days. Even after that stormy day when Mr. Hallinan tried to make an opening statement and was continually interrupted by the Court and by the prosecution, I continued to argue, "Something has happened. If the Court thinks we are attacking him in some way, the Court's pride is involved. He is really not trying to hurt us." I believed that for a while. I did.

Now when I hear that we embarked in this case in a studied effort to provoke this Court into error, I shudder at what must be the fate of people who, unlike ourselves, will not stand up and say what they think. That is all I have to say.

The Court: Mr. Mitchell, you may have the orders and certificates for transmission.

The Clerk: Yes, your Honor.

The Court: And with respect to your remarks, Mr. MacInnis, similarly I stand on the record of

the trial in this case, without apology either to the attorneys for the defendants. The defendants have had a fair and impartial trial at my hands.

We may now stand in recess.

(Whereupon an adjournment was taken.)

[Endorsed]: Filed April 13, 1950.

[Endorsed]: No. 12599. United States Court of Appeals for the Ninth Circuit. James Martin MacInnis, Appellant, vs. United States of America, Appellee. Transcript of Record. Appeal from the United States District Court for the Northern District of California, Southern Division.

Filed July 6, 1950.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Court of Appeals for the Ninth Circuit.

In the United States Court of Appeals
for the Ninth Circuit

No. 12599

JAMES MARTIN MacINNIS,

Appellant,

vs.

UNITED STATES OF AMERICA,

Appellee.

STATEMENT OF GROUNDS TO BE RELIED
ON UPON APPEAL

Comes now appellant above named and pursuant to the provisions of Rule 19(6) of the rules of the above-entitled Court hereby states that the points to be relied on upon appeal are as follows:

1. None of the matters set forth in the certificate of contempt taken either singly or collectively constitutes contempt.

2. The alleged contempt occurred on February 1, 1950. The order of contempt and the certificate of contempt were not signed or certified by the District Court until the 28th day of February, 1950, and were not filed until March 1, 1950, and the judgment was not pronounced or issued until the 4th day of April, 1950. By postponing the issuance and filing of the order of contempt and the certificate for more than four weeks subsequent to the alleged contempt and by postponing the pronouncement of sentence and judgment for a period of more than two months subsequent to the alleged contempt, the trial court lost jurisdiction to proceed under Rule of Criminal Procedure 42(a) and was not empowered to impose the aforesaid sentence and judgment or any sentence or judgment, and because no attempt was made to conform with the procedure of Rule of Criminal Procedure 42(b).

3. Because the certificate of contempt does not allege that any of the conduct of appellant disrupted, threatened to disrupt, tended to disrupt or

was even intended to disrupt the orderly process of the Court.

4. Because the record of the proceedings at the time of the pronouncement of sentence and judgment show the sentence of three months imprisonment was imposed not solely because of the alleged acts of contempt specified in the certificate but was imposed in inseverable part as punishment for unidentified and unspecified acts of appellant concerning which no certificate in conformity with Rule 42(a) of the aforesaid rules of criminal procedure was made or filed.

5. Because the sentence of three months imprisonment is excessive.

WILLIAM F. CLEARY, ESQ.,

/s/ WILLIAM F. CLEARY,

Attorney for Appellant.

Receipt of copy acknowledged.

[Endorsed]: Filed September 26, 1950.